

Joseph R. Saveri
Steven N. Williams
JOSEPH SAVERI LAW FIRM, INC.
601 California Street, Suite 1000
San Francisco, California 94108
Phone: (415) 500-6800
Fax: (415) 395-9940
jsaveri@saverilawfirm.com
swilliams@saverilawfirm.com

COHEN & GRESSER LLP
Melissa H. Maxman (*Pro Hac Vice* to be submitted)
Erica C. Lai
2001 Pennsylvania Ave, NW, Suite 300
Washington, DC 20006
Phone: (202) 851-2070
Fax: (202) 851-2081
mmaxman@cohengresser.com
elai@cohengresser.com

ANDREW J. McGUINNESS, ESQ.
Andrew J. McGuinness (*Pro Hac Vice* to be submitted)
122 S Main St., Suite 118
P.O. Box 7711
Ann Arbor, MI 48107
Phone: (734) 274-9374
Fax: (734) 786-9935
drewmcg@topclasslaw.com

Counsel for Intervenor Plaintiffs
DOUGLAS KING and GEORGE FELDMAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MDL No. 1917

Case No. 07-cv-5944 JST

**DECLARATION OF ANDREW J.
McGUINNESS IN SUPPORT OF MOTION
TO INTERVENE**

Hearing Date: January 31, 2019
Time: 2:00 p.m.
Courtroom: 9, 19th Floor
Judge: Honorable Jon S. Tigar

1 I, Andrew J. McGuinness, declare:

2 1. I am an attorney in good standing admitted to practice in Michigan. I have practiced
3 law since 1988, and have been litigating class actions since approximately 1989. I am the Principal of
4 and solo practitioner doing business as ANDREW J. MCGUINNESS, ESQ., counsel to Intervenor
5 Plaintiffs Douglas King and George Feldman in this action. I am making this declaration in support
6 of Intervenor Plaintiffs' Motion to Intervene. I have personal knowledge of the facts set forth herein,
7 and could and would testify truthfully to them if called upon to do so. I make this declaration
8 pursuant to 28 U.S.C. § 1746.

9 2. I submit this declaration in support of Messrs. King and Feldman's motion to
10 intervene in this action and to state my experience class actions.

11 3. I have served as lead or co-lead defense counsel in both Direct Purchaser Plaintiffs
12 ("DPP") and Indirect Purchaser Plaintiffs ("IPP") actions in a variety of class action antitrust class
13 actions during my three decades as a trial lawyer.

14 4. My antitrust class action matters include:

15 a. *Gordon v. Amadeus IT Group, S.A., et al* (S.D.N.Y) (ongoing):
16 represent two named plaintiffs in class action alleging antitrust violations by global
17 distribution systems (airline price aggregation platforms);

18 b. *In re Cardizem Antitrust Litigation*, MDL 1278 (E. D. Mich.). Lead
19 Michigan counsel for primary defendant, Aventis Pharmaceuticals, defending MDL
20 antitrust conspiracy and monopolization charges. The case involved a direct class,
21 indirect class (including actions removed from some 20 states), Attorneys General
22 actions from numerous states, and opt-out direct and indirect plaintiffs, including
23 chain groceries, pharmacies, and third-party payors, over a 5-year period;

24 c. *Michigan Division - Monument Builders of North America, et al. v.*
25 *Michigan Cemetery Association* (E.D. Mich.): represent non-profit cemeteries alleged to
26 have engaged in illegal tying arrangements;

d. *5 Star Marine vs. Land 'N Sea*, (N.D. Ill.): Co-lead counsel defending the country's largest marine aftermarket parts distributor in antitrust and related claims resulting from entry of new competitor comprised of former employees.;

e. *In re Vitamins Antitrust Litigation* (Wayne County Circuit Court, Michigan). Lead counsel for Eisai Co., Ltd., and Daiichi Pharmaceutical in an indirect purchaser class action alleging price fixing in the vitamin industry;

f. *In re Infant Formula Antitrust Litigation*, (Calhoun County Circuit Court, Michigan, and other states). Lead counsel for defendant Abbott Laboratories in class action alleging price fixing of infant formula products;

g. Co-counsel for Oakwood Hospital in *Carson-Merenda, et al., v. Detroit Medical Center, et al.* (E.D. Mich.), an antitrust class action alleging price fixing of nurse's wages; and

h. *Tyfield Importers, Inc. v. Giovanni Bosca, S.p.A.*, (E.D. Mich.) Lead counsel defending wrongful termination and anticompetitive claims based upon termination of exclusive importation and distribution of wine products.

5. I have represented individual plaintiffs in antitrust disputes, including serving as lead antitrust counsel for plaintiffs in a recent action in Michigan alleging bid rigging and market allocation violations of federal and state antitrust law involving leasing of mineral rights for tens of thousands of acres of natural gas deposits (*Zaremba v. Encana Corp.*, W.D. Mich.); and representing a beauty products manufacturer as plaintiff in antitrust action against a competitor (*Nailco Inc v. OPI Prod Inc.* (E.D. Mich.)).

6. My consumer and products class action experience include:

a. Appointed lead Class Counsel in *Martin v. Trott Law, P.C., et al*, Case No. 2:15-cv-12838 (E.D. Mich. 2018) (Lawson, J.), representing class of 250,000 homeowners alleging violations of federal and state fair debt collection practices statutes;

b. Plaintiffs' co-counsel in *In Re. Lumber Liquidators Durability Litigation* (E.D. VA., 2018);

1 c. *Rudolph v. Apple Computer* (Washtenaw County, Michigan). Represent
2 putative class of Michigan consumers alleging breach of express warranty claims and
3 consumer protection act violations; and

4 d. Lead counsel for Ford Motor Company for over five years in the
5 largest auto parts recall MDL prior to the Takata Air Bag case, *In Re. Speed Control*
6 *Deactivation Switch Products Liability Action*, MDL 1718 (E.D. Mich.) (Friedman, J.);

7 7. My experience in securities class actions includes:

8 a. lead counsel defending Nematron, a Michigan high-tech company, in a
9 securities class action alleging accounting improprieties (dismissed on defendants'
10 motion) (E.D. Mich.)

11 b. lead counsel defending Data Systems Network Corp., a Michigan high-
12 tech company, in securities class action involving allegations of accounting
13 improprieties;

14 c. part of lead counsel team defending Comshare, a Michigan software
15 company, in securities class action involving allegations of accounting improprieties

16 d. co-counsel defending Credit Acceptance Corp., a Michigan sub-prime
17 automobile lender, in securities class action involving allegations of accounting
18 improprieties;

19 e. co-counsel defending Champion Homes Corp., a Michigan-based
20 housing manufacturer, in securities class action involving allegations of accounting
21 improprieties;

22 f. lead counsel defending Federal-Mogul Corp., a Michigan Tier I
23 automobile parts manufacturer, in securities class actions alleging material
24 misrepresentations relating to failure to achieve projected synergies;

25 g. lead counsel defending A.P. Capital, Inc., the holding company of
26 Michigan's primary medical malpractice insurer, arising out of significant
27 enhancements to its insurance subsidiary's loan loss reserves;
28

8. For the past nine years I have served as Planning Committee Member for the ABA Section of Litigation Annual National Institute on Class Actions, where I co-teach a course I developed called “Class Actions 101,” and have moderated numerous panel discussion on class action topics, including multiple panels on class action trials.

9. I am the co-founder and planning committee member of the ABA's Annual Regional Class Action Program in San Francisco, California.

10. I regularly publish on class action matters. I am the author of the ABA Antitrust Section's Antitrust Class Action Handbook's chapter on Class Certification, and editor of the chapter on Class Action Experts. I am the co-author of the ABA Section of Litigation Class Action and Derivative Suits Committee's recently-published Class Action Strategy Handbook.

11. After law school, where I served as Articles Editor of the Michigan Law Review and was elected to the Order of the Coif, I clerked for the Hon. Frank M. Coffin on the First Circuit Court of Appeals. More information about my background is available at www.topclasslaw.com/andrew-j-mcguinness-esq/.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 10, 2019.

/s/ Andrew J. McGuinness

Andrew J. McGuinness

ECF ATTESTATION

I, Joseph R. Saveri, am the ECF User whose ID and Password are being used to file
**DECLARATION OF ANDREW J. McGUINNESS IN SUPPORT OF MOTION TO
INTERVENE.**

In compliance with Civil Local Rule 5-1, I hereby attest that Andrew J. McGuinness has
concurred in this filing.

DATED: January 11, 2019

By: /s/ Joseph R. Saveri
Joseph R. Saveri